IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2404 OF 2007

Karnatak State Road Transport
Corporation Belgaum ..Appellants.
Vs.
Mr.M.A.Agalave & Ors. ..Respondents.

Mr.C.M.Lokesh, adv. for the Appellants.
Mr.S.M.Bhosale, adv. for the Respondents.

CORAM : J.H.BHATIA, J.
DATE : OCTOBER 26, 2007.

P.C.:

1. The appellant is a Karnatak State Road Transport Corporation. A bus bearing no.CAF 3548 belonging to the Appellant was met with an accident on 20-10-1990 at about 7.00 a.m. According to the Appellant, an accident took place due to the rash and negligent driving of the truck bearing no.XML 5497 belonging to the respondent no.1 and insured with the respondent no.3. As the bus was badly damaged, the appellant filed a petition seeking compensation from the owner and insurer of truck. The driver of the truck was deleted and the owner of the truck did not appear to contest. Only the respondent no.3 insurance company contested the matter. The learned Member, Motor Accident Claims Tribunal, Kolhapur, after hearing the evidence, dismissed the claim petition of the petitioner.

2. It appears that F.I.R. of the accident was lodged by the conductor of the bus on behalf of the petitioner. No witness was examined to prove as to how the accident had taken place. F.I.R. also did not disclose as to how the accident had taken place. Spot panchanama was not proved before the Court. In such circumstances, the learned Tribunal came to conclusion that the petitioner had failed to prove that the accident had taken place due to the rash and negligent driving of the truck. The learned counsel for the petitioner/appellant contends that the police had filed charge-sheet against the opponent no.2, who was driver of the truck. The learned trial Court rightly pointed out that merely filing of charge-sheet is not sufficient to conclude that the accident had taken place due to the fault on part of the truck driver. In absence of any evidence , I find no material on the basis of which this appeal could be admitted.

3. In the result, appeal stands dismissed summarily.

[J.H.BHATIA, J.]